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09/736,392	12/15/2000	Joseph E. Augenbraun	WGATE5-14	8040

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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/736,392

**Applicant(s)**

AUGENBRAUN ET AL.

**Examiner**

Jason P Salce

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/02/2004 have been fully considered but they are not persuasive.

Applicant's only argument is that the use of the term "frame" by Applicant differs from Kamada. The examiner notes that the term "frame" discussed in Kamada also refers to "a frame of a web page may contain multiple objects which perform particular functions when navigated to and selected". Kamada teaches this in Figure 4, where the "DIAL-UP" frame contains a picture of a phone, therefore containing multiple objects (the text and the image), which performs the function of going to a "DIAL-UP" menu. Also note in Figure 4, that multiple frames are displayed and are capable of being navigated to according to the transfer list in Figure 14.

Therefore, although claim 3 has been added to independent claim 1, the rejection stands, and is modified below. The examiner also notes that this Office Action is made Final.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2611

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1<sup>2</sup>~~3~~<sup>4</sup> are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kamada (U.S. Patent No. 6,622,306).

Referring to claim 1, Kamada discloses a video image generator for generating an image to be navigated (see Column 1, Lines 62-66 for generating an image on a display and navigating the objects on the display), each said video image including at least one object that can be navigated to and selected (see Column 2, Lines 63-67 for navigating to and selecting from one hot spot to another).

Kamada discloses a mapping application interfaced to said image generator for receiving navigation commands from an input device and instructing said video image generator to navigate to one or more of said objects, said mapping application including linking information identifying which of said objects is to be navigated to based upon a presently selected object and a received navigation command (see Column 2, Lines 3-9 for a transfer list, that allows a user to navigate to a specific hot spot depending on which direction the user inputs to the remote control).

Kamada discloses that the video images (HTML file displayed) include a plurality of frames (for example, an image (as presented in figure 1) has a frame where element A is highlighted, then the next frame would contain a frame where element B is highlighted in response to a user input), each containing one or more objects (elements A through G in Figure 1), and said mapping application generates an edge of frame indication for a selected object if it is adjacent to one or more edges of a frame (see Figure 14 for a transfer list, which is generated and directs the HTML file from one

Art Unit: 2611

hot spot to another), and employs said edge of frame indication in conjunction with a command received from an input device to link said selected object to an object in an adjacent frame that is nearest to said selected object in a direction that is dependent on the received command (see again Figure 14 and Column 8, Lines 47-63 for a transfer list that is responsive to a user's command and navigates through hot spots in accordance with which direction is selected by the user).

Referring to claim 2, Kamada discloses that the video image generator is an Internet browser for generating Internet web pages (see Column 2, Lines 15-17 for displaying a web page).

Referring to claim 4, see rejection of claim 1 and note that multiple frames are displayed on the web page of Figures 1 and 4.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.  
13  
A  
3. Claims 5-6, 9-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamada in view of Goodman et al. (U.S. Patent No. 6,100,875).

Referring to claim 5, Kamada discloses all of the limitations in claim 1, and further discloses a navigation application interfaced to the image generator and mapping application for receiving navigation and selection commands from a keyboard

Art Unit: 2611

(see Column 4, Lines 44-47 for a navigation program 13 which displays the images generated by the image generator and is capable of receiving commands to jump to a linked destination), and sending the command to the image generator (see Column 4, Lines 44-47 for a navigation program 13 which displays the images generated by the image generator and is capable of receiving commands to jump to a linked destination), but fails to teach converting a keyboard command into a mouse cursor movement control command. Goodman discloses a keyboard that allows a user to press a key that cause the keyboard to emulate a mouse's cursor movements (see Column 2, Lines 1-8). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the keyboard (element 30 in Figure 2), as taught by Kamada, using the keyboard w/ mouse emulation, as taught by Goodman, for the purpose of allowing a user to perform mouse-like operations without the necessity of a flat, steady surface (see Column 1, Lines 56-62 of Goodman) and also eliminate the need for an extra device (an actual mouse), which would provide an extra port to the user for connecting another external device.

Referring to claim 6, see rejection of claim 5, and also note that the mouse emulation mode is only active while the "additional function key" (see Column 2, Lines 6-8) is actuated for a predetermined period of time.

Referring to claim 9, see rejection of claim 5 (where Kamada teaches all of the limitations in claim 1).

Referring to claims 10-11 and 13, see rejection of claims 2, 1 and 4, respectively for where Kamada teaches these limitations.

Referring to claim 15, see rejection of claim 6.

4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamada in view of Johnson et al. (U.S. Patent No. 5,077,607).

Referring to claim 8, Kamada discloses all of the limitations in claim 1, as well as a terminal device interfaced to said headend with one or more transmission links (see Figure 3, for set top box 1 connected to transmission link 2, where the set top box can communicate with a web server (see Column 5, Line 67 and Column 6, Lines 1-2). Kamada also discloses an input device (element 30 in Figure 3), which communicates with terminal device (through element 32 in element 1 in Figure 3) for sending navigation and selection commands through said terminal device and said transmission links to said image generator (see Column 2, Lines 63-67 for transferring between hot spots and also selecting a hot spot to receive and display desired information from a web server). Kamada fails to teach that the network headend (web server) contains the image generator and mapping application. Johnson teaches generating screens and information in the screen to navigate to other screens (see Column 4, Lines 40-48 and Column 5, Lines 54-67 and Column 6, Lines 1-2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the system of Kamada, by using the screen generator and mapping application (which screen will follow the first, second or third), as taught by Johnson, for the purpose of conserving memory at the client terminal, which allows a smaller memory to reside in the client terminal, resulting in a lower cost receiver.

Referring to claim 7, see rejection of claim 8.

5. Claims 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamada in view of Goodman et al. (U.S. Patent No. 6,100,875) in further view of Johnson et al. (U.S. Patent No. 5,077,607).

Referring to claim 14, Kamada and Johnson teach of all the limitations in claims 9 and 11, as well as a terminal device interfaced to said headend with one or more transmission links (see Figure 3, for set top box 1 connected to transmission link 2, where the set top box can communicate with a web server (see Column 5, Line 67 and Column 6, Lines 1-2). Kamada also discloses an input device (element 30 in Figure 3), which communicates with terminal device (through element 32 in element 1 in Figure 3) for sending navigation and selection commands through said terminal device and said transmission links to said image generator (see Column 2, Lines 63-67 for transferring between hot spots and also selecting a hot spot to receive and display desired information from a web server). Kamada and Goodman fail to teach that the network headend (web server) contains the image generator and mapping application. Johnson teaches generating screens and information in the screen to navigate to other screens (see Column 4, Lines 40-48 and Column 5, Lines 54-67 and Column 6, Lines 1-2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the system of Kamada and Goodman, by using the screen generator and mapping application (which screen will follow the first, second or third), as taught by Johnson, for the purpose of conserving memory at the client terminal,



Art Unit: 2611

which allows a smaller memory to reside in the client terminal, resulting in a lower cost receiver.

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 24, 2005



CHRIS GRANT  
PRIMARY EXAMINER